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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,276

09/30/2003

Masahiro Nozaki

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/673,276	Applicant(s) NOZAKI, MASAHIRO	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007 and 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8,9,12-14,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,9,12,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Group III in the reply filed on July 14, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 4, 5, 13 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 14, 2005.

Drawings

The drawing correction filed January 31, 2006 has been approved.

Claim Rejections - 35 USC § 112

Claims 1, 8, 9, 12, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "relatively far away" on line 14 of claim 1 render the claims indefinite because they are relative terms whose meaning cannot be readily ascertained by one with ordinary skill in the art and are not defined by the specification. Recitations such as "depressed by a predetermined depth from said inside wall" on line 15 of claim 1 render the claims indefinite because it is unclear how the depression can be

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depressed from the inside wall when it appears that the depression is part of the inside wall.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto in view of Villa et al. Goto discloses a door seal structure in combination with a door frame 12 of a vehicle door comprising a glass run 15 for guiding a door glass 16 that is raised and lowered, said glass run being held in a glass run holding part 22, 23 provided along an inner peripheral portion of the door frame, a protrusion (not numbered, but shown in figure 1 as the left hand side of the inner panel 21) in the door frame, wherein the protrusion protrudes inwardly of said glass run holding part, an inner peripheral end of said protrusion being joined to an inner side wall of said glass run holding part to define a flange (not numbered, but shown in figure 1 as the bent portion 22b and the portion of the inner panel opposite the bent portion), said protrusion including a protruding wall (not numbered, but comprising the left most portion of the protrusion as shown in figure 1) and an inside wall (not numbered, but seen extending downwardly from the protruding wall), said protruding wall being adapted to contact and press a tubular seal portion of a opening weather strip and said inside wall being

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located to face a vehicle compartment when the vehicle door is closed, said inside wall of said protrusion having a depression (not numbered, but shown in figure 1 where a distal end portion the cover member 24 extends) that is formed immediately adjacent to said protruding wall, wherein the depression is spaced relatively far away from the glass run holding part and is depressed by a predetermined depth from the inside wall inwardly of the protrusion, and wherein the depression extends in a longitudinal direction of said protrusion, and a cover member 24 that extends to cover said inside wall of said protrusion of the door frame, an outer end edge 31 of said cover member covering said flange and being connected to said glass run and an inner end edge of said cover member (not numbered, but comprising the portion of the cover member extending into the depression) being bent at an angle to an extending direction of said cover member and being seated in said depression, wherein when the vehicle door is closed, said inside wall of said protrusion is substantially covered with said cover member such that said inner end edge of said cover member is seated in the depression. Goto is silent concerning an opening weatherstrip.

However, Villa et al. discloses an opening weather strip 19 adapted to be attached to a door opening portion 15 of a vehicle, said opening weather strip including a tubular seal portion (not numbered, but shown in figure 2) which projects toward a door frame 12, wherein a cover member (not numbered, but shown in figure 2) does not contact said tubular seal portion of said opening weatherstrip when the door is closed.

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It would have been obvious to one of ordinary skill in the art to provide Goto with a tubular seal portion, as taught by Villa et al., to better seal between the vehicle door and the vehicle body.

Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto in view of Villa et al. as applied to claims 1, 8, 9 and 18 above, and further in view of Petrelli. Petrelli discloses a door seal structure comprising a door weather strip 39 for abutting and sealing the door opening portion 24 when the vehicle door is closed, the door weather strip being held in an outer peripheral surface of the door frame 33.

It would have been obvious to one of ordinary skill in the art to provide Goto, as modified above, with a door seal structure, as taught by Petrelli, to further increase the seal between the door frame and the door opening portion.

Response to Arguments

Applicant's arguments filed November 20, 2006 and March 2, 2007 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
May 21, 2007